REMARKS

Claims 1-21 and 52-64 have been withdrawn.

Claims 22-33, 35-37 and 39-48 stand rejected.

Certain claims have been amended and canceled herein. Reconsideration of the rejections is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 31 has been canceled herein with claims 34, 38 and 49-51 being previously canceled.

Applicant has amended independent claims 22 and 39 to more clearly define the invention. Applicant submits that amended claims 22 and 39, and any claims depending there from are in condition for allowance.

Specifically, amended claims 22 and 39 recite, among other elements, a course or course layout comprising "a plurality of repeated modular holes". This aspect may be appreciated in FIGS. 1-3. In this respect, each hole of the course or course layout is a repeated pattern of common features or operational elements having common dimensions that are fit within a substantially rectangular boundary. Repeating modular holes having standardized elements and dimensions allows for flexibility and variety in configuring a course or course layout while keeping design and construction costs low.

FIGS. 1 and 2 clearly illustrate the modularity of the holes 12 that are repeated to form a course or course layout. For example, each modular hole may include as an element a substantially rectangular playing area 30 that is located proximate a first end of the rectangular boundary. A putting green, mounded area and chipping area may be positioned within the playing area 30. Also, unlike conventional golf courses, a plurality of teeing areas may be provided within each of the plurality of repeated modular holes in positions irrespective of the playing ability of players playing the game. This allows for players of all abilities to play from the same teeing area, such as when using a club and a limited flight tennis-like ball. Such an exemplary ball is disclosed in U.S. Pat. No. 6,217,458.

The plurality of teeing areas may include a first teeing area 54 (FIG. 2) that may be positioned proximate a second end of the rectangular boundary and a second teeing area 52 that may be positioned proximate a first side of the rectangular boundary. A third teeing area 50 may be positioned between a midpoint of the rectangular boundary's length and the playing area 30. Distributing the teeing areas within the rectangular boundary in this manner is advantageous because it balances use of the area within the rectangular boundary against playing routes of varying distances from the respective teeing areas to the playing area 30.

Providing a plurality of repeated modular holes containing these elements arranged in such a manner is not disclosed, taught or otherwise suggested by the prior art of record.

More particularly, Trasko discloses a substantially rectangular golf course that comprises a grouping of three relatively close holes spaced from a plurality of tee areas. The holes may be located at varying positions within an elongated core as shown in FIG. 3. Each tee area is used for playing a respective one of the holes over different playing routes shown in dashed lines in various figures of Trasko. The course is designed so that players can tee off from each of three tees playing all three balls to a respective green or hole then putting all three out before moving on to the next set of three holes. This allows for players to play three holes simultaneously that have respective lengths equivalent to those of a regulation golf course (col. 11, lines 23-27).

Dumas discloses a golf course configured with a plurality of sequential arrangements of golf links. The golf course orients putting green areas and fairway areas in a predetermined web pattern where there are more fairway areas than putting green areas (col. 2, lines 1-7). Each of the fairway areas is also associated with one or two tee areas with the web pattern (col. 4, lines 7-9). This allows for maximizing the number of sequential golf links while minimizing the number of putting green areas and fairway areas, and provides many different orders of golf links that may be played on the same course. To accomplish this, the putting green areas of Dumas are associated with more than

one fairway area as shown in FIGS. 1 and 2, and disclosed in column 2, lines 33-37 and elsewhere.

As with Trasko and Dumas, golf course designers typically design each hole of a course to have unique features that may be a function of topography or preferences of an individual. Providing variety among traditional golf course holes tends to make the course more interesting and presents various shot making challenges to a player. The same is also true for miniature or putt-putt golf courses where each hole presents a different configuration or set of obstacles to challenge a player.

An advantage of applicant's invention is that each hole on the course layout is modular in that it is contained within a rectangular area of substantially the same size and includes a set of substantially identical common features to create uniformity among the holes. This modularity allows for the holes to be repeated to create a course layout on relatively small parcels of land that is cost effective and easily constructed.

Applicant has also amended claims 23-30, 32, 33, 35-37, 40-48 to more clearly define the invention. Applicant respectfully submits these claims are allowable over the prior art of record. None of the prior art disclose, teaches or otherwise suggests applicant's invention as claimed and it does not provide the motivation necessary for one skilled in the art to arrive at the combinations claimed in amended claims 23-30, 32, 33, 35-37 and 40-48.

For example, amended claim 32 recites that the teeing areas are spaced from the playing area within each of the plurality of repeated modular holes so that the distance from respective ones of the teeing areas to the playing area within each of the plurality of holes is substantially the same distance. This aspect can be seen in FIG. 1 of applicant's drawings. These distances may be repeated among the plurality of modular holes. Applicant respectfully submits that this is not taught or suggested by the prior art of record, nor does it provide any motivation to one skilled in the art of making the combination as claimed therein.

With respect to amended claims 22 and 44, an exemplary irrigation layout is shown in FIG. 3 of applicant's drawings that is standardized and may be repeated for each hole of a course. While Shaw et al. suggests that golf courses commonly include irrigation systems (col. 1, lines 42-53), it does not teach or suggest using a standardized irrigation layout that is repeated for each hole of a course as claimed in amended claims 22 and 44. This feature contributes to the modularity of each hole and significantly decreases the cost of designing and installing an irrigation system of a traditional golf course.

Further, one skilled in the art would not be motivated to arrive at the invention as claimed in amended claims 22 and 44 because golf courses are typically constructed to have fairways of varying lengths and shapes, such as a sharp dogleg, with greens positioned in many different locations. Irrigation systems for such courses require customization in order to irrigate each hole sufficiently. Consequently, there is no motivation to in Shaw et al. for one skilled in the art to arrive at the invention as claimed in amended claims 22 and 44.

With respect to amended claims 29 and 45, they recite that the plurality of repeated modular holes include a standardized lighting configuration. An exemplary lighting layout is shown in FIG. 10 of applicant's drawings. Applicant respectfully submits that amended claims 29 and 45 are not disclosed, taught or otherwise suggested by Taniguchi et al. (US 5,076,586). Taniguchi et al. discloses that a lighting installation may be included along an inner periphery of the triangular array of the three courses (col. 2, lines 51-53) to illuminate the courses; however, it does not teach or suggest using a standardized lighting layout for each hole of a course as claimed in amended claims 29 and 45. Further, one skilled in the art would not find any motivation in Taniguchi et al. to arrive at the invention as claimed in amended claims 29 and 45.

Amended claim 30 recites that the putting green within each of the plurality of repeated modular holes is selected from a group of putting greens having different square foot surface areas. Applicant respectfully submits this aspect is not disclosed, taught or otherwise suggested by the prior art of record.

Applicant's invention is a course or course layout comprising a plurality of repeated modular holes with each hole comprising identical common features such as the location and size of a putting green, fairway length, hazard area, chipping area, approach area and mounded area proximate the putting green. While these features may be known in general with respect to some golf courses none of the prior art of record teach or suggest repeating a modular hole to make a course or course layout. This uniformity among the holes is beneficial because it allows for cost effective construction of a course in a relatively short period of time on a small amount of land regardless of topography.

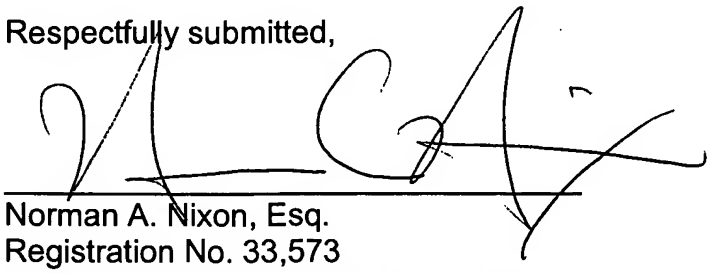
In consideration of the above, applicant submits that the invention as claimed in amended claims 22 and 39 and any claims depending there from is not anticipated and would not have been obvious at the time the invention was made to a person having ordinary skill in the art under 35 U.S.C. §103(a) in view of the prior art or record.

Consequently, applicant respectfully requests reconsideration of the merits of this invention and asserts that claims 22-30, 32, 33, 35-37 and 39-48 are in condition for allowance. Notice to that effect is respectfully requested.

The Examiner is invited to call applicant's representative at the number below to discuss any aspects of this application to move it more expeditiously to allowance.

DATED this September 13, 2005.

Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that this Amendment is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Box RCE, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of September, 2005.

Shirley Goff